REMARKS

Claims 1, 3-9 and 20 remain in this application. Claims 2, 10, 12-15 and 17-19 were canceled (claims 11 and 16 were previously cancelled).

Claim 1 has been amended to require that the application logic set further comprises means for determining a connection speed to the Internet server of the user in order to select an advertisement type that best matches the connection speed. This amendment is supported by the specification (see page 9, line 22 to page 10, line 4), and amended claim 1 represents original claim 2 rewritten in independent form. As noted supra, original claim 2 has been canceled. Further, claim 20 has been amended to depend on amended claim 1 rather than claim 2. No new matter has been added by way of these amendments.

Applicant's invention, as recited by current claims 1, 3-9 and 20, provides a system for placing an advertisement on the monitor of a user of a web site. Specifically, the system comprises a server connected to the Internet and at least one application logic set stored in memory on the server. The connection is a conventional wired connection as would be provided by a modem and telephone line, cable modem, T connection or the like or, alternatively, a wireless connection, such as that provided by a wireless modem, cell phone, PDA or the like. Each of the application logic sets is provided with a means for causing the browser, operating from the user's computer, to display the advertisement, after an adjustable predetermined time delay, in a non-dismissible and temporary browser window on the monitor of the user. As amended, the application logic set further comprises means for determining a connection speed to the Internet server of the user in order to select an advertisement type that best

matches the connection speed. Thus, users having high-speed connections are presented with a full multimedia advertisement while users having slower connections receive an advertisement that is less multimedia intensive and downloads quickly. The advertisement can be presented in one of three ways: (i) in a window filling the top half of the viewer's monitor screen over the top of the browser, (ii) within the browser window, or (iii) in between pages as the user moves from page to page.

The means for causing the browser to display an advertisement is accomplished by sending web page mark-up language code containing the advertisement. This may include HTML, Java Applets, Flash routines, or similar web page construction code. It optionally includes animation, images, and or sound. As a further option the application set includes code for a series of different advertisements. The code specifies the size and position of window as well as how long the window is viewable. The predetermined time period within which the window is viewable can vary depending on default settings, type and length of an advertisement, site owner preference and the like. Typically the predetermined time period for viewing a window can range from about 10 seconds to 60 minutes, preferably from about 15 to 40 seconds, and most preferably from about 20 to 30 seconds. Optionally, the advertisement is delayed for period of time before being sent to the user.

The system includes a web site that is provided with coded content, such as web page mark-up language, for viewing by the user, and a reference is coded within the mark-up language of at least one page of the web site. The web site may reside in memory on the server or on another remote server connected to the Internet. The reference points the browser to one of the application logic sets. Additionally, the system includes a registered user database on the server for storing user information and computing and storing the user's advertisement viewing history. When a registered user accesses

the page containing the coded reference, the user's browser is caused to access an application logic set on the server, thereby triggering display of the advertisement in a temporary and non-dismissible window on the monitor of the user. The system compensates the user for receiving and viewing the advertisement, provided the user has previously registered, wherein the user compensation is provided by the advertiser. The system further compensates the web site owner on the basis of ads viewed, wherein the web site owner compensation is provided by the advertiser.

Claim Rejections-35 U.S.C. § 112

Claims 10-19 were rejected under 35 U.S.C. 112, second paragraph. Applicant respectfully traverses the Examiner's rejection. However, to expedite prosecution of this application, claims 10-19 have been canceled. In light of this amendment, it is submitted that the Examiner's rejection is no longer applicable.

Claim Rejections-35 U.S.C. § 103

Claims 1 and 3-9 were rejected under 35 USC 103(a) as being unpatentable over Landsman et al (US Patent No. 6,687,737) in view of Werkhoven (International Publication No. WO 99/59097) and Goldhaber et al (US Patent No. 5855008).

Landsman discloses a technique for implementing in a networked client-server environment (e.g., the Internet) network-distributed advertising in which advertisements are downloaded from an advertising server to a browser executing at a client computer (in a manner transparent to a user situated at the browser). Subsequently, the advertisements are then displayed "interstitially" in

response to a click-stream generated by the user to move from one web page to another. When executed, the Landsman system relies on a Transition Sensor applet (associated with the user's contents page) to download an "AdController" applet from a distribution server. This AdController, once downloaded, will operate under the browser but will not be under the browser's control. The AdController will request delivery of advertisements from an Ad Management System, specifically it will request an "AdDescriptor" file containing a manifest of file names and corresponding web addresses of all media files that constitute the content of a particular advertisement. The AdController will then "politely" and transparently download the associated media files as specified in the AdDescriptor. The AdDescriptor will then implement a data abstraction that "decouples" advertising content from a web page, such that a web page merely includes an advertising tag that refers to a specific ad management system rather than to a particular advertisement or its content. The Landsman system itself selects the given advertisement that is to be downloaded, rather than having that selection or its content being embedded in the web content page. The Examiner has indicated that Landsman "does not teach compensation."

Werkhoven discloses an interactive computer system that provides for improved content delivery capabilities and enables the measurement of the completion of that content being displayed on a user's computer screen. The system provides a method for push content to a user comprising the steps of automatically displaying a pop-up window displaying the push content material, the pop-up window being provided a predetermined time after a user has begun viewing first predetermined information. It is submitted that Werkhoven does **not** teach use of a remote server (containing an

"application logic set"). Rather, Werkhoven teaches that the advertisement's information be stored directly on an internet site (see Werkhoven page 1, line 16 and page 2, lines 6-7).

Goldhaber provides an approach for distributing advertising and other information over a computer network. The method is said to be usable to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information. The compensation may be used directly or indirectly to compensate the owners of content or may be used for other purposes. The link between the ad and the appropriate viewers provided by reference to a date base of digitally stored demographic profiles of potential users. Such ads may be viewed as "negatively priced" information because consumers are paid for their attention to the information. Private profiles may be maintained for different consumers and consumer information may be released only based on consumer permission. Consumers may be compensated for allowing their information to be released. Information can be routed based on demographics. A special icon or other symbol displayed on a computer screen may represent compensation and allow users to choose whether they will view an ad or other information and receive associated compensation. It is submitted that Goldhaber does not discuss means for accessing advertisements that are to be delivered to an individual user's computer.

Examiner indicated that it would have been obvious to one of ordinary skill in the art to have provided the system and methods of Landsman with options for adjustable delay timers in a manner taught by Werkhoven.

Applicant concedes that Werkhoven teaches use of an adjustable delay timer, whereby advertisements may appear after a predetermined/adjustable time period; however, as noted supra, the Landsman system only teaches delivery of advertisements "interstitially." This method requires

delivering advertisements to a user's computer that remain hidden until a user chooses to move from one web page to another. In response to the click-stream generated by the user (to move from one web page to the next), the advertisement is displayed while the next successive webpage is downloading. The advertisement, however, will disappear once downloading of the next webpage is completed, giving the user an opportunity to ignore the advertisement.

By contrast, applicant's system, as recited by claim 1, allows for the delivery of advertisements by three different means: (a) in a window filling the top half of the viewer's monitor, (b) within the browser window, or (c) in between pages as the user moves from page to page (i.e., "interstitially"). Therefore, applicant's system provides for more ways than does Landsman for delivering advertisements to a user's computer, providing the advertiser with more options for selection a means it believes to increase the likelihood that the advertisement will be viewed.

Examiner further indicated that it would have been obvious to one of ordinary skill in the art (i) to have registered and compensated the adviewing users as well as the content providers of Landsman system so that users and content providers may be motivated to benefit from online ads; and (ii) for the advertiser to have directly paid the web site content owned so he can benefit from his troubles hosting advertising content and allowing the advertising content to be viewed.

As noted supra, **the Landsman system itself** selects the advertisement that is to be downloaded by the user's computer, rather than having that selection or its content being embedded in the web content page. Landsman teaches that an "AdController" applet is downloaded from a distribution server. It is this AdController (operating independent of the browser) that requests delivery of advertisements from an Ad Management System. For this reason, an advertiser will not be motivated

to compensate the owner of a web contents page (i.e., the contents provider). It is well understood that only in situations where an advertisement is associated, in some way, with a web page that compensating the web page's owner should be expected. Clearly, no such association is taught by Landsman. Thus, **no modifications to Landsman will result in a system where compensation of the web site owner is feasible.**

By contrast, applicant's system teaches that a reference is to be inserted into the coding of a content provider's web page. This reference points to the application logic set that is housed on the above noted remote server. The remote server then delivers the advertisement to the user's computer. Thus, in order to receive the advertisement, the user must choose to view the particular web page. Advantageously, applicant's system allows the owner of the web content page to select what advertisements will be delivered to its users' computers. In other words, it gives the web page owner an opportunity to seek out sponsors. Thus, there is motivation for compensating the web site owner. Further, since the advertisements are viewed after a predetermined time delay, the advertisements sent to the user's computer are in addition to any advertisements already posted on the web page (and accessible immediately). This way, the web page owner can seek out additional sponsors than it would otherwise be able to obtain, **motivating web page owners to participate in applicant's system**.

It is submitted that this feature (a reference inserted into the coding of a web contents page pointing to a server) is not taught by Werkhoven or Goldhaber. As noted supra, Werkhoven does **not** teach use of a remote server, but rather it teaches that advertisement information is to be stored directly on an internet site. This will inevitably slow the upload of a web page on the user's computer, since the advertisement is part of the page being uploaded. This differs from applicant's system, where

advantageously the upload of the web page is not slowed since the advertisement is transmitted by a separate server (separate from the system housing the web contents page). Further, as noted supra, Goldhaber does not discuss means for accessing advertisements that are to be delivered to an individual user's computer (thus, it does not teach inserting a reference on a web contents page).

Additionally, as amended, claim 1 requires that the above noted application logic set further comprise means for determining a connection speed to the Internet server of the user in order to select an advertisement type that best matches the connection speed. Thus, users having high-speed connections are presented with a full multimedia advertisement while users having slower connections receive an advertisement that is less multimedia intensive and downloads quickly. This feature is not taught by Landsman, Werkhoven or Goldhaber.

For these reasons, modification to Landsman as indicated by the Examiner will not produce applicant's system as recited by claim 1. The resulting system will not comprise a reference inserted into the coding of a web contents page pointing to a remote server that will deliver the advertisement to a user's computer. Further, the resulting system will not comprise means for determining a connection speed to the Internet server of the user in order to select an advertisement type that best matches the connection speed.

With regards to claims 3-9, these claims represent preferred embodiments of the system recited by claim 1 and are dependent thereon. They incorporate all the limitations of the base claim to which they depend, which applicant believes to be allowable.

Therefore, reconsideration of the rejection of claims 1 and 3-9 under 35 USC 103(a) as being unpatentable over Landsman in view of Werkhoven and Goldhaber is respectfully requested.

Claims 2 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Werkhoven, Goldhaber and Radziewicz (US Patent No. 5854897). Although claim 2 has been canceled, current claim 1 represents original claim 2 rewritten in independent form. Additionally, current claim 20 has been amended to depend on claim 1.

Radziewicz discloses a marketing system for displaying an announcement at a network terminating system connected to a communications network by way of a network service provider (NSP). The NSP monitors traffic to and from the client station to determine when the connection path is idle (i.e., the device is not sending or receiving any information over the transmission medium). When idle, an announcement server connected to the NSP transmits advertising messages and other information to the client station. The advertisements are displayed in a predetermined location of a browser client window of the client station.

Examiner indicated that it would have been obvious to one of ordinary skill in the art to have specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such files.

It is conceded, as indicated by the Examiner, that Radziewicz teaches use of a server that uses the connection speed (of the user's connection to the Internet) to select an appropriate types of advertisement to be sent to the user's computer.

Radziewicz, however, only sends advertisements to the user's computer when the connection is idle, whereas applicant's system, as recited by amended claims 1 and 20, sends advertisements during periods when the connection is active, as well as when it is idle. This method insures that

advertisements will be received by the user's computer at regular intervals, maximizing the possibility that the user will be at the computer to view the advertisements. Additionally, in Radziewicz, it is a server that determines what advertisement is to be sent to the user's computer, not the computer itself.

Modifying the AdDescriptor of Landsman to specify various ad formats, so that the user's computer will receive advertisements based on the speed of the system's connection, will result in unnecessary strain to systems with slow connections. This will be especially true during times when the connection is active.

As noted supra, the AdDescriptor is a file that containing a manifest of file names and corresponding web addresses of all media files that constitute the content of a particular advertisement. It is submitted that this AdDescriptor, as taught by Landsman, contains the specifications for a single advertisement, and does not contain specifications for alternative advertisements. Should the AdDescriptor be modified to include specifications for alternative advertisements, the user's computer will need to download the entire AdDescriptor file to determine what advertisement is appropriate before an advertisement is selected, causing unnecessary strain (especially during periods of activity).

By contrast, applicant's system, as well as Radziewicz, teaches that a server is to determine what advertisement is to be sent to the user's computer, minimizing strain on the user's system. Additionally, for reasons discussed supra, the resulting system would **only** display the advertisements interstitially.

Therefore, for reasons discussed above, modifying the AdDescriptor of Landsman to specify various ad formats will not produce the system recited in amended claims 1 and 20. Reconsideration

of the rejection of claims 1 and 20 under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Werkhoven, Goldhaber and Radziewicz is respectfully requested.

Claims 1 and 3-9 were alternatively rejected under 35 U.S.C. 103(a) as being anticipated by Landsman in view of Werkhoven and Angles et al (US Patent No. 5933811). Although the Office Action indicates a rejection under "35 U.S.C. 102(e)" (see page 7, ¶6), in light of the Examiner's comments, applicant believes this to be a typographical error and Examiner's intention was a 35 U.S.C. 103(a) rejection.

Angles discloses a system and method for delivering customized electronic advertisements to users via the Internet. The customized advertisements are selected based on consumer profiles and are integrated with offerings maintained by different content providers. Angles teaches use of a computer connected to the Internet that is operated by an advertisement provider, which stores demographic information about individual consumers. To participate in this system, the consumer/internet user must register with the advertisement provider and enter pertinent demographic information. When an Internet user (a consumer) accesses a content provider's website, the advertisement provider's computer sends customized advertisements to the user (based on that user's demographic profile) and tracks that consumer's responses to the advertisements. Subsequent to the transfer of the advertisement, the advertisement provider's computer accesses an accounting database to bill the advertiser and credit the content provider. It is submitted that Angles does not teach means for determining a connection speed to the Internet server of the user in order to select an advertisement type that best matches the connection speed.

Examiner indicated that it would have been obvious to one of ordinary skill in the art to have registered and compensated the ad-viewing users as well as the content providers of Landsman so that users and content providers may be motivated to benefit from online ads, as taught by Angles.

As noted supra, Angles requires that the internet user/consumer register with the advertisement provider's computer (and provide demographic information) in order to participate in the system. By requiring registration, the Angles system inherently limits the number of internet users to be receiving advertisements to only those that have registered with the system. Thus, advertisers and web site owners will be discouraging to participate in such a system.

By contrast, applicant's system does not require registration. So long as an internet user accesses a participating web contents page, an advertisement will be sent to that user's computer. Thus, **the number of consumers to receive advertisement will greatly increase with applicant's system**, because no registration is required.

Therefore, modifications to Landsman as indicated by the Examiner will not produce applicant's system as recited by claim 1. The resulting system would require internet users to register with an advertisement provider's computer. Further, as indicated supra, the resulting system will not comprise means for determining a connection speed to the Internet server of the user in order to select an advertisement type that best matches the connection speed.

With regards to claims 3-9, these claims represent preferred embodiments of the system recited by claim 1 and are dependent thereon. They incorporate all the limitations of the base claim to which they depend, which applicant believes to be allowable.

Therefore, reconsideration of the rejection of claims 1 and 3-9 under 35 U.S.C. 103(a) as being anticipated by Landsman in view of Werkhoven and Angles is respectfully requested.

Claims 2 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Werkhoven, Angles and Rodziewicz. As noted supra, although claim 2 has been canceled, current claim 1 represents original claim 2 rewritten in independent form. Additionally, current claim 20 has been amended to depend on claim 1.

Examiner indicated that it would have been obvious to one of ordinary skill to have specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such files.

For reasons discussed above, modifying the AdDescriptor of Landsman to specify various ad formats will not produce the system recited in amended claims 1 and 20. The resulting system would require internet users to register with an advertisement provider's computer. Further, the resulting system would create AdDescriptor files so large that they would cause unnecessary strain to the user's computer while they are being downloaded (especially during periods of activity).

Therefore, reconsideration of the rejection of claims 1 and 20 under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Werkhoven, Angles and Rodziewicz is respectfully requested.

CONCLUSION

In view of the amendments to the claims and the foregoing remarks, it is respectfully submitted that the present application has been placed in allowable condition. Reconsideration of the rejections set forth in the Office Action and allowance of claims 1, 3-9 and 20, as amended, are earnestly solicited.

Respectfully submitted,

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